

Subject Matter: Rezoning – Behind Highway 85 South & Price Road

Date of Public Hearing Before City Council: 3-21-19

Date of Adoption: 3-21-19

Date of Public Notice Published in Fayette News: 3-6-2019

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

ORDINANCE NUMBER #0-5-19

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS OF FACT

The City of Fayetteville (the “City”) has received an application for rezoning by **Fayette Ventures, LLLP** for property located at the Highway 92 Connector & Jimmy Mayfield Boulevard and described in **EXHIBIT "A"**. Said parcel (0517-025) of property is presently zoned as R-40 (Single-Family Residential) within the jurisdiction limits of the County of Fayette. Applicant requests rezoning of the property to RTHC/PUD (Residential Townhouse Condominium Planned Unit Development), pursuant to the City of Fayetteville's Comprehensive Zoning Ordinance. The City has given notice to the public of this proposed rezoning as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

ORDINANCE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The zoning classification of the described property is amended and modified, and the zoning classification of the property described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as **RTHC/PUD (Residential Townhouse Condominium Planned Unit Development)**, pursuant to the City of Fayetteville’s Comprehensive Zoning Ordinance.

The City’s new ordinance classification upon the described property shall become immediately effective. The City’s Comprehensive Zoning Map is hereby amended to reflect this rezoning.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the following conditions:

1. The proposed development shall not exceed 129 lots, with a minimum of 26 lots being 70 feet wide and the remainder a minimum of 60 feet wide.
2. The dwelling units shall have a minimum heated floor space of 1,800 square feet, and shall exclude any garage areas.
3. The open space and common areas throughout the development shall be connected by a trail system approved by the Planning & Zoning Department.
4. The Applicant shall complete a traffic impact study during the plan development stage.
5. The Applicant shall provide a planted buffer of 25 feet along the Hwy. 92 Connector (Helen Sams Pkwy.), and a planted buffer of 50 feet along Highway 92 (Jimmy Mayfield) as shown on the conceptual site plan Minimum 1,800 square feet houses.
6. The proposed development shall not be connected to the Kingswood Subdivision, located to the south and east of the subject property.
7. The architectural elevations of the houses shall be consistent with the vision book presented by the Applicant as part of the application.
8. An HOA shall be formed for the subdivision.
9. The triangular piece of property as illustrated on the survey plat shall be incorporated with the other parcels being rezoned and shown as one lot when the preliminary plat is submitted

Conditions include those contained in the minutes of the City Council, which are part of this ordinance, and any representations submitted by the applicant to the City Council, and accepted by the City Council, and reflected in the minutes of the City Council, which representations shall be an amendment to the rezoning application and a part of this ordinance.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 21st day of March 2019, by the following voting for adoption:

ATTEST:

Edward J. Johnson, Jr. Mayor

Anne Barksdale, City Clerk

Richard J. Hoffman, Mayor Pro Tem

Kathaleen Brewer, Council Member

Paul C. Oddo, Jr., Council Member

Harlan Shirley, Council Member

Scott Stacy, Council Member

Exhibit A
Insert Legal Description